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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,686	01/27/2004	Pu-Ching Huang		9450

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EXAMINER

AGARWAL, MANUJ

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/764,686	Applicant(s) HUANG, PU-CHING	
	Examiner Manuj Agarwal	Art Unit 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pillowslip of claim 3, the multiple layers of claim 2, and the male-female buckle of claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: It is unclear what is meant by a "silk cotton layer" as well as a "non-woven cloth layer." Silk is a protein fiber obtained from silkworm larvae, whereas cotton is obtained from the seed of the cotton plant. The two fibers have no relation. Cloth is inherently woven for it is a network of fibers.

The specification is objected to under 35 U.S.C. 112, first paragraph for failing to meet the written description requirement. An adhesive cloth band provided on the retaining band is not disclosed in the specification. Furthermore, it is not clear what makes the cloth adhesive. Is a material added to the cloth, or is the cloth treated in a way to make it adhere to something?

Appropriate correction is required.

Claim Objections

Claims 2 and 4 are objected to because of the following informalities:

Regarding claim 2, it appears that the pillow body is formed of one of the selection of layers, rather than all the layers. Thus, the use of the term "and" is not appropriate. It is suggested that the claim be amended to read, "...wherein the pillow body is composed of one of the group consisting of, a silk cotton layer...and a dust resistant layer."

The same logic applies to claim 4. It is not appropriate to state that the massage granules are made of both materials. It is suggested that the word "and" be changed to the word "or." Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. An adhesive cloth band is not disclosed to be part of the retaining band. Rather, an adhesive cloth bucket 23 is stated to be provided on the band.

Furthermore, it is not clear what comprehends an adhesive cloth. How is the cloth made to adhere to something?

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear what is meant by a "massage pad being provided with granule pieces thereon with each of the granule pieces at the periphery thereof." Is this meant to state that the granule pieces are only located at the periphery of the massage pad? Is this the case then such a claim is not supported by the drawings

where the granules 21 are clearly shown to be uniformly distributed around the entire length and width of the massage pad 20, rather than isolated at its periphery.

Regarding claim 2, it is unclear what is meant by a "silk cotton layer" as well as a "non-woven cloth layer." Silk is a protein fiber obtained from silkworm larvae, whereas cotton is obtained from the seed of the cotton plant. The two fibers have no relation. In addition, cloth is inherently woven for it is a network of fibers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Kim (US 5,724,687) in view of Kaizuka (US 2005/0060807).

Kim discloses a healthful pillow with multiple functions comprising a pillow body 20 as well as a massage pad 40 attached to said pillow body provided with jade granule pieces 41 "thereon... at the periphery thereof" having a retaining band 42. The retaining band 42 as well as its associated structures functions to keep the granules in place on the pad. When the granules are in place in apertures 21 the band is fitted to the pillow body as well.

Regarding claim 1, Kim lacks a magnet in the said pillow body. The incorporation of magnets into pillows is well known in the art. Kaizuka teaches a healthful pillow with multiple functions that is provided with a permanent magnet (paragraph 16). It would

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have been obvious to one of ordinary skill at the time the invention was made to provide the pillow body 20 of Kim with a permanent magnet as taught by Kaizuka in order to afford the benefits of magnetic therapy to the user.

Regarding claim 3, the examiner takes official notice the pillow covers are well known and documented in the art. Furthermore Kim discloses a pillow cover 14 for a pillow body (paragraph 9).

Regarding claim 4, jade is a natural crystal.

Regarding claim 5, retaining band 42 is made of an interwoven thread (col. 3 lns. 5-6). Cloth is defined as a material made of a network of fibers formed by weaving. Thread comprises fibers woven together.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Kaizuka as applied to claim 1 above, and further in view of Setokama et al. (2005/0223493).

Kim in view of Kaizuka lacks a pillow body composed of the claimed layer(s). Setokama et al. discloses a pillow comprising layers of silk and cotton, among others (paragraph 67). It would have been obvious to one of ordinary skill at the time the invention was made to provide the pillow body of Kim in view of Kaizuka with a silk/cotton layer as taught by Setokama et al. in order to provide a more comfortable feel for the user undergoing therapy.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Kaizuka as applied to claim 1 above, and further in view of Mathews Brown et al. (2005/0097673).

Kim in view of Kaizuka lacks a permanent magnet attached to the inner side of the pillow body and enclosed between two thin cloth pieces. The pillow body of Mathews Brown et al. comprises pockets 192 that comprise magnets (paragraph 134). A pocket comprises two pieces of fabric. Cloth is synonymous with fabric. It would have been obvious to incorporate these pockets into the inner side. In addition, it would have been obvious to one of ordinary skill at the time the invention was made to incorporate pockets into the pillow body of Kim in view of Kaizuka, as taught by Mathews Brown et al. in order to ensure the proper placement of magnets and to prevent their movement.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US 2004/0200004. Mathews Brown et al. Slipcovers for support pillows.
2. US 2005/0172410. Huang. Replaceable bedding structure.
3. US 6,669,291. Hsiao. Massaging device for a chair with resilient straps.
4. US 2005/0070826. Hsiao. Massage bed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuj Agarwal whose telephone number is (571) 272-4368. The examiner can normally be reached on Mon to Fri 9:00 AM 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571)272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

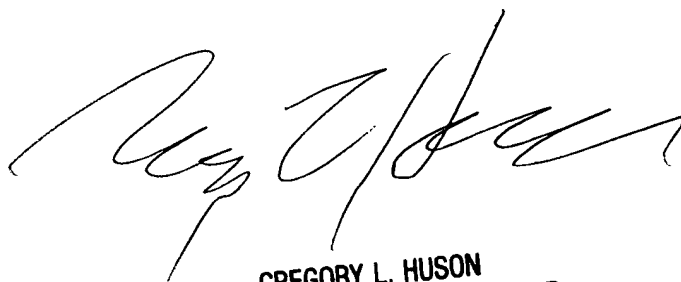
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Manuj Agarwal
Patent Examiner

MA



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